

**HOUSE JOURNAL  
62ND LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 4, 2011

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

**BILLS** (O'Hara, Chairman):

3/4/2011

Correctly printed: **HB 529, SB 26, SB 95, SB 152.**

Correctly engrossed: **HB 286, HB 299, SB 16, SB 36, SB 67.**

Examined by the sponsor and found to be correct: **HB 74, HB 204, HB 208, HB 294.**

Signed by the Speaker at 5:30 p.m., March 4, 2011: **HB 74, HB 204, HB 208, HB 294.**

Signed by the Chief Clerk of the House at 4:00 p.m., March 4, 2011: **HB 74, HB 204, HB 208, HB 294.**

Correctly enrolled: **HB 74, HB 204, HB 208, HB 294.**

Representative Regier introduced Terry and Judy Fosbery from Kalispell, who entertained the House.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, and thirty-second legislative days, find the same to be correct.

Representative O'Hara, Chair

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Kerns, Chairman):

3/3/2011

**HB 286**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Title, page 1, line 6.

**Strike:** "INCREASING THE"

**Insert:** "A UTHORIZING COLLECTION OF AN OPTIONAL WILDLIFE POPULATION  
MANAGEMENT FEE WITH PURCHASE OF A"

**Strike:** "FEE"

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3. Page 5 through page 6.

**Strike:** "87-2-202." on line 15 on page 5 through line 26 on page 6

4. Page 6, line 27.

**Strike:** "(Effective March 1, 2011)"

5. Page 7, line 11.

**Strike:** "\$9"

**Insert:** "\$8"

6. Page 7, line 11 through line 12.

**Strike:** "\$1" on line 11 through "and" on line 12

7. Page 7, line 13.

**Strike:** "\$11"

**Insert:** "\$10"

8. Page 7, line 13 through line 14.

**Strike:** "\$1" on line 13 through "and" on line 14

9. Page 7.

**Following:** line 29

**Insert:** "(e) (i) In addition to the fees in subsections (3)(a) through (3)(d) and unless an applicant exercises the option in subsection (3)(e)(ii), the first time in a license year that a resident or nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional \$5 wildlife population management fee is assessed. The additional fee may be used by the department only as provided in [section 3]. The wildlife conservation license must be marked appropriately when the wildlife population management fee is paid. The wildlife population management fee is chargeable only once during a license year.

(ii) An applicant who purchases a wildlife conservation license as a prerequisite to purchase a hunting license may, at the time of purchase, elect not to pay the additional \$5 fee provided for in subsection (3)(e)(i). If an election is made, the fee may not be collected."

10. Page 8, line 18.

**Strike:** "\$1"

**Insert:** "\$5"

**Following:** "87-2-202"

**Insert:** "(3)(e)"

11. Page 8, line 21.

**Following:** "manage"

**Insert:** "bears, wolves, and"

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12. Page 9, line 2.

**Strike:** "July 1, 2011"

**Insert:** "March 1, 2012"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Arntzen, Chairman):

3/3/2011

**SB 16**, be amended as follows:

1. Title, page 1, line 8.

**Following:** "RACES;"

**Insert:** "APPROPRIATING CERTAIN FUNDS TO THE BOARD OF HORSERACING;"

2. Title, page 1, line 9.

**Following:** "23-4-101,"

**Insert:** "23-4-105,"

3. Page 3, following line 2.

**Insert:** "**Section 2.** Section 23-4-105, MCA, is amended to read:

**"23-4-105. Authority of board.** (1) The board shall license and regulate racing, match bronc rides, and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-204(3), percentages collected pursuant to 23-4-302(3) and (5)(b)(iii), and money collected pursuant to 23-4-304(1)(a) and (1)(b) must be deposited in a state special revenue account and are statutorily appropriated to the board as provided in 17-7-502. The board shall then distribute all funds collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3) and (5)(b)(iii), and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast racing, not currently authorized in Montana the board shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider both the economic and safety impacts on the existing racing and breeding industry.

(2) Funds retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4) are statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel network and for other purposes that the board considers appropriate for the good of the existing horseracing industry."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Peterson, Chairman):

3/3/2011

**HB 299**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "FELONY;"

**Insert:** "PROVIDING FOR ALCOHOL TESTING AS A CONDITION OF CERTAIN SENTENCES;"

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2. Page 4.

**Following:** line 26

**Insert:** "(a) for a third offense, sentencing the person as provided under subsections (1)(b) through (1)(d), which must be suspended on the condition that the person not consume alcohol and participate in a program of alcohol testing for a period of 13 consecutive months. The requirement for alcohol testing may not be suspended or deferred, and compliance with the testing condition must be monitored by department probation program officers as authorized by 46-23-1004. The court may also impose additional conditions as appropriate. If an offender violates a condition upon which the sentence was suspended as provided in this subsection (1)(a), the suspension must be revoked by the method provided for in 46-18-203."

**Renumber:** subsequent subsections

3. Page 5, line 4.

**Strike:** "(1)(a)"

**Insert:** "(1)(b)"

4. Page 5, line 6.

**Strike:** "(1)(a)"

**Insert:** "(1)(b)"

And, as amended, do pass. Report adopted.

**SB 26**, be concurred in. Report adopted.

**SB 36**, be amended as follows:

1. Title, line 7.

**Strike:** "PROHIBITING"

**Insert:** "ALLOWING"

2. Title, line 9 through line 10.

**Strike:** "A RETROACTIVE"

**Insert:** "AN"

3. Page 1, line 18.

**Strike:** "NOT"

4. Page 1, line 25 through line 27.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to an application for a permit or a change in an appropriation right filed on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

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**SB 67**, be amended as follows:

1. Page 1, line 7.

**Strike:** "YEAR"

**Insert:** "YEARS"

**Following:** "2011"

**Insert:** " THROUGH 2013"

2. Page 1, line 28.

**Strike:** "2011"

**Insert:** "in fiscal years 2011 through 2013"

**Following:** "\$25,000"

**Insert:** "in each fiscal year"

3. Page 1, line 30

**Strike:** "year"

**Insert:** "years"

**Following:** "2011"

**Insert:** "through 2013"

And, as amended, be concurred in. Report adopted.

**SB 152**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (MacLaren, Chairman):

3/3/2011

**HB 529**, do pass. Report adopted.

**SB 95**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/3/2011

**SB 1**, introduced by Tutvedt

**SB 219**, introduced by Branae

**SB 283**, introduced by Essmann

**Senate bills** passed and transmitted to the House for concurrence after deadline:

3/3/2011

**SB 303**, introduced by Brenden

**House bills** concurred in and returned to the House:

3/3/2011

**HB 74**, introduced by Schmidt

**HB 204**, introduced by Salomon

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**HB 208**, introduced by Welborn

**HB 294**, introduced by Cook

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/3/2011

**HB 182**, introduced by Arntzen

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 91**, introduced by Brown, referred to Local Government.

**SB 113**, introduced by Jent, referred to State Administration.

**SB 183**, introduced by Brown, Walker, Zinke, Essmann, Tutvedt, Jones, Lewis, Moore, Olson, Arthun, J. Peterson, Branae, referred to Local Government.

**SB 191**, introduced by Erickson, referred to Local Government.

**SB 205**, introduced by Olson, referred to Federal Relations, Energy, and Telecommunications.

**SB 206**, introduced by Jones, K. Peterson, Brown, Mehlhoff, Cook, Milburn, referred to Federal Relations, Energy, and Telecommunications.

**SB 208**, introduced by Erickson, referred to Education.

**SB 212**, introduced by Ripley, Warburton, Arthun, De. Barrett, Brown, Moore, referred to Fish, Wildlife and Parks.

**SB 228**, introduced by Priest, referred to Business and Labor.

**SB 234**, introduced by Sonju, Vance, Hale, Steinbeisser, Gallus, Keane, referred to Local Government.

**SB 236**, introduced by Buttrey, Steinbeisser, Wagner, Zinke, Lewis, Hale, Blasdel, referred to Local Government.

**SB 254**, introduced by Hutton, Vincent, Murphy, Arthun, Warburton, Ankney, Walker, Jackson, Harris, Stahl, Flynn, G. Bennett, referred to Federal Relations, Energy, and Telecommunications.

**SB 255**, introduced by Brenden, referred to Fish, Wildlife and Parks.

**SB 260**, introduced by Windy Boy, Hamlett, Blewett, Phillips, Driscoll, Buttrey, Stewart-Peregoy, Keane, Augare, Caferro, Gallus, referred to Business and Labor.

**SB 272**, introduced by Murphy, Arntzen, Steinbeisser, Windy Boy, Roberts, Moss, Klock, Pease-Lopez, F. Smith, K. Peterson, Belcourt, Jackson, Essmann, Evans, Augare, Hutton, Read, Stewart-Peregoy, Reichner, referred to Business and Labor.

**SB 277**, introduced by Moore, Brown, referred to Agriculture.

**SB 278**, introduced by Mowbray, Sonju, Vincent, Buttrey, Larsen, Tutvedt, Reinhart, Hollenbaugh, Blasdel, Milburn, referred to Transportation.

**SB 279**, introduced by Jackson, Shockley, Wagner, Regier, K. Peterson, Kerns, O'Neil, Gallus, Brown, Blyton, Hutton, Randall, Balyeat, Flynn, Warburton, Edmunds, Small, Skees, Hale, C. Smith, Priest, Hinkle, Skattum, Osmundson, More, Miller, Blasdel, Sonju, referred to Judiciary.

**SB 280**, introduced by Brown, referred to Education.

**SB 286**, introduced by Olson, referred to Natural Resources.

**SB 287**, introduced by Keane, referred to Business and Labor.

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- SB 289**, introduced by Zinke, referred to Business and Labor.  
**SB 290**, introduced by Zinke, referred to Business and Labor.  
**SB 292**, introduced by Olson, Ankney, Berry, Gillan, Edmunds, McChesney, Keane, McGillvray, Milburn, G. Bennett, referred to Natural Resources.  
**SB 294**, introduced by Buttrey, referred to Business and Labor.  
**SB 297**, introduced by Essmann, Olson, J. Peterson, Keane, Berry, Ankney, McGillvray, Milburn, referred to Natural Resources.  
**SB 298**, introduced by Vincent, referred to Local Government.  
**SB 305**, introduced by Jackson, Olson, Klock, referred to Federal Relations, Energy, and Telecommunications.  
**SB 311**, introduced by Gallus, Brenden, Essmann, Hamlett, Jones, Keane, J. Peterson, Tutvedt, C. Williams, referred to State Administration.  
**SB 315**, introduced by Ripley, De. Barrett, Balyeat, Lewis, referred to Education.  
**SB 320**, introduced by Jones, Cook, Klock, Olson, referred to Federal Relations, Energy, and Telecommunications.  
**SB 335**, introduced by Shockley, referred to Judiciary.  
**SB 337**, introduced by Blewett, Shockley, referred to Judiciary.  
**SB 340**, introduced by Vincent, referred to Local Government.  
**SB 342**, introduced by Buttrey, Balyeat, Vincent, Hinkle, Essmann, Brown, Sonju, Mowbray, Jackson, Olson, Priest, referred to Business and Labor.  
**SB 352**, introduced by Steinbeisser, referred to Business and Labor.  
**SB 354**, introduced by Jent, referred to Judiciary.  
**SB 355**, introduced by Hamlett, referred to Education.  
**SB 367**, introduced by Vincent, referred to Natural Resources.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

- SJR 4**, introduced by Wittich, referred to Federal Relations, Energy, and Telecommunications.  
**SJR 11**, introduced by J. Peterson, Essmann, Milburn, McGillvray, referred to Education.  
**SJR 14**, introduced by Hawks, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hansen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 429** - Representative McGillvray moved consideration of **HB 429** be passed for the day. Motion carried.

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**HB 372** - Representative Washburn moved **HB 372** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hendrick, F. Smith.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: Harris, O'Hara.

Total 2

**HB 389** - Representative Noonan moved **HB 389** do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wagner, Warburton, Welborn, Williams, Wilmer, Yates.

Total 40

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Mr. Speaker.

Total 59

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

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**HB 449** - Representative Blasdel moved **HB 449** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Arntzen, Burnett, Hale, Kary, Kerns, Loney, Randall, Rosendale, Skattum, C. Smith, Wagner.

Total 11

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**HB 460** - Representative K. Peterson moved **HB 460** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Ankney, Small, Welborn.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

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**HB 582** - Representative Esp moved **HB 582** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Pease-Lopez, Phillips, Price, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.  
Total 26

Excused: Swanson.  
Total 1

Absent or not voting: Noonan.  
Total 1

**SB 19** - Representative K. Peterson moved **SB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 99

Nays: None.  
Total 0

Excused: Swanson.  
Total 1

Absent or not voting: None.  
Total 0

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**SB 21** - Representative Bangerter moved **SB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 97

Nays: Knudsen.

Total 1

Excused: Swanson.

Total 1

Absent or not voting: Yates.

Total 1

**SB 23** - Representative Reinhart moved **SB 23** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hansen, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 67

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

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**SB 27** - Representative Hunter moved **SB 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Connell, Court, Cuffe, Driscoll, Evans, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Williams, Wilmer, Yates.

Total 55

Nays: B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Welborn, Mr. Speaker.

Total 44

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**HB 195** - Representative Rosendale moved **HB 195** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, Boland, Court, Hale, Kennedy, Kerns, Miller, Peterson, Reinhart, Small, Wagner.

Total 11

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

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Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hansen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.  
Total 81

Nays: Belcourt, B. Bennett, Boland, Court, Hands, Hill, MacDonald, Malek, McClafferty, Pease-Lopez, Phillips, Price, Reinhart, Sesso, Wilmer.  
Total 15

Excused: Swanson.  
Total 1

Absent or not voting: Hansen, McChesney, McNally.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 262** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 72

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, More, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.  
Total 27

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Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**HB 285** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer, Yates.

Total 39

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**HB 370** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, Squires, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Fitzpatrick, Gibson, Hale, Hansen, Hollandsworth, Howard, Ingraham, Kerns, Knox, Knudsen, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton.

Total 34

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Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**HB 387** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: Hoven.

Total 1

**HB 428** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Blasdel, Edmunds, Esp, Hale, Kerns, Miller, O'Neil, Skattum, Skees, Wagner.

Total 10

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Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**SB 63** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Esp, Hale, More.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

**SB 78** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Hale, Hendrick, Kennedy, Kerns, Knox, More, Skattum, Skees, Wagner.

Total 9

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Excused: Swanson.

Total 1

Absent or not voting: Lavin.

Total 1

**SB 31** concurred in as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Williams, Wilmer, Mr. Speaker.

Total 66

Nays: Ankney, B. Beck, Berry, Cuffe, Edmunds, Esp, Fitzpatrick, Hale, Harris, Hollandsworth, Howard, Kennedy, Kerns, Knox, Lavin, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, C. Smith, Vance, Wagner, Washburn, Welborn, Yates.

Total 32

Excused: Swanson.

Total 1

Absent or not voting: Hands.

Total 1

**MOTIONS**

Representative McGillvray moved **HB 582** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Barrett moved to reconsider action taken on **HB 189**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Connell, Cook, Court, Cuffe, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

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Nays: B. Beck, Blyton, Brodehl, Burnett, Clark, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.  
Total 40

Excused: Swanson.  
Total 1

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 7:45 a.m., Saturday, March 5, 2011. Motion carried.

House adjourned at 2:37 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House